

REMARKS

This is in response to the Office Action dated April 28, 2009. In view of the foregoing amendments and following representations, reconsideration is respectfully requested.

By the above amendment, claim 1 is amended in response to the objection set forth on page 2 (item 1) of the Office Action. Only the format of claim 1 has been changed, and therefore the amendment does not raise any new issues that would require further consideration and/or search. As per 37 CFR 1.75(i), an indent has been provided for each element of the claim.

Next, on pages 3-4 (item 5) of the Office Action, claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as being obvious over Chudy (U.S. Patent No. 6,170,230). It is submitted that the present invention, as embodied by claim 1, clearly distinguishes over the Chudy reference for the following reasons.

1. Independent claim 1 is directed to a drug dispenser including a pushing mechanism for pushing out from the drug case the lowermost drug package in a horizontal direction.

The Examiner takes the position that the Chudy reference discloses "a drug dispenser comprising a drug case (1) for containing a plurality of drug packages (9)." However, the members of Chudy that are designated by reference numeral 9 are not drug packages but rather are trays (see col. 4, lines 8-11).

2. Claim 1 requires, *inter alia*, "a pushing mechanism for pushing out from the drug case the lowermost drug package in a horizontal direction."

The Examiner takes the position that the Chudy reference discloses "a pushing mechanism (11) for pushing out from the drug case the lowermost drug package (9) in a horizontal direction (see Fig. 2A)."

However, the member of Chudy that is designated by reference numeral 11 is not a pushing mechanism but rather is a feed-out plate 11 for receiving and feeding out a tray 9 to the conveyor line 3. The feed-out plate 11 can be moved up and down but does not function to push the tray 9 in a horizontal direction (see col. 4, lines 22-25; Figs. 2A-2B). Thus, the Chudy reference clearly does not meet the pushing mechanism limitation of claim 1.

3. Claim 1 further specifies that the pushing mechanism includes "rails for supporting the lowermost drug package as it is moved in the horizontal direction by the pushing mechanism."

The Examiner takes the position that the feed-out plate 11 includes "rails (12) for supporting the lowermost drug package as it is moved in the horizontal direction by the pushing mechanism." However, the members of the Chudy reference that are designated by reference numeral 12 are not rails but rather are driveable rollers (see col. 4, lines 25-26).

4. Claim 1 requires, *inter alia*, "a guide member fixedly provided on an inner surface of a side wall of the drug case separately from the pushing mechanism for supporting and guiding the flange of the second drug package when the lowermost drug package is being pushed out, the guide member being provided in a pushing direction of the pushing mechanism."

The Examiner takes the position that Chudy discloses a guide member (10). However, the members of the Chudy reference that are designated by numeral 10 are not guide members but rather are support feed claws. The support feed claws 10 support peripheries of the lowermost tray 9 with their lower claw portion 10a and, by pivoting, place the lowermost tray 9 onto the feed-out plate 11 and simultaneously support peripheries of the next tray 9 with their upper claw portion 10b (see col. 4, lines 13-19). The support feed claws 10 of the Chudy feed

tray station are not provided so as to be immovable or fixed, and are not provided in a pushing direction. As described above, the support feed claws 10 are movable in a pivoting manner (see col. 4, lines 11-13). Clearly, the support feed claws 10 cannot reasonably be considered to correspond to the guide member of claim 1.

In view of the clear differences between claim 1 and the Chudy reference, it is respectfully submitted that claim 1 is neither anticipated by nor rendered obvious by the Chudy reference. The Examiner is therefore requested to withdraw the rejection of claims 1-4, enter the above amendment and pass this application to issue.

In the event that the Examiner has any comments or suggestions of a nature necessary to place this case in condition for allowance, then the Examiner is requested to contact Applicant's undersigned attorney by telephone to promptly resolve any remaining matters.

*The Commissioner is authorized to charge any deficiency or to credit any overpayment associated with this communication to Deposit Account No. 23-0975, with the EXCEPTION of deficiencies in fees for multiple dependent claims in new applications.*

Respectfully submitted,

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